



DEPARTMENT ORDER

**Patterson Asphalt Industries LLC  
Knox County  
Warren, Maine  
A-1097-71-D-R**

**Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal**

**FINDINGS OF FACT**

After review of the air emission license renewal application, staff investigation reports, and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 Maine Revised Statutes (M.R.S.) § 344 and § 590, the Maine Department of Environmental Protection (the Department) finds the following facts:

**I. REGISTRATION**

A. Introduction

Patterson Asphalt Industries LLC (Patterson) has applied to renew their Air Emission License for the operation of their portable hot mix asphalt plant located at 208 Old Augusta Road, Warren, Maine.

The main office is located at 9 Sealight Lane, Rockport, Maine.

B. Emission Equipment

The following equipment is addressed in this Air Emission License:

**Asphalt Plant**

Equipment	Process Rate	Design Capacity	Fuel Type & Maximum Firing Rate	Control Device	Date of Manuf.
Asphalt Plant #1	140 tons/hr	70.0 MMBtu/hr	Distillate Fuel at 510 gal/hr or Propane at 766 gal/hr	Baghouse	1981

**Heating Equipment**

Equipment	Max. Capacity (MMBtu/hr)	Fuel Type & Maximum Firing Rate	Date of Manuf.
Asphalt Heater #1	1.0	Distillate Fuel at 7.5 gal/hr or Propane at 10.9 gal/hr	1981

**Engines**

Unit ID	Max. Capacity	Max. Firing Rate	Fuel Type	Date of Manuf.
Generator #1 *	5.4 MMBtu/hr	41.4 gal/hr	Distillate Fuel	1981
Generator #2	4.9 MMBtu/hr	35.7 gal/hr	Distillate Fuel	2008

\* Removed from license. According to license A-1097-71-C-A (08/29/2022) Generator #1 is not licensable as a stationary engine without the addition of additional emissions control equipment and testing requirements as required by 40 C.F.R. Part 63, Subpart ZZZZ. Generator #2 was purchased to replace Generator #1 and Patterson is no longer using the unit, opting to put it up for sale.

Patterson operates a 55-gallon parts washer.

C. Definitions

Closed Container means a container that is closed unless material is being actively added to or removed from it. The container is considered closed when sealed to the extent that the contents, including gaseous components, are kept within the container.

Distillate Fuel means the following:

- Fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials (ASTM) in ASTM D396;
- Diesel fuel oil numbers 1 or 2, as defined in ASTM D975;
- Kerosene, as defined in ASTM D3699;
- Biodiesel, as defined in ASTM D6751; or
- Biodiesel blends, as defined in ASTM D7467.

Records or Logs mean either hardcopy or electronic records.

D. Application Classification

All rules, regulations, or statutes referenced in this air emission license refer to the amended version in effect as of the date this license was issued.

The application for Patterson does not include the licensing of increased emissions or the installation of new or modified equipment. Therefore, the license is considered to be a renewal of currently licensed emission units only and has been processed through *Major and Minor Source Air Emission License Regulations*, 06-096 Code of Maine Rules (C.M.R.) ch. 115.

E. Facility Classification

With the annual asphalt production limit on Asphalt Plant #1, the facility is licensed as follows:

- As a synthetic minor source of air emissions for criteria pollutants, because Patterson is subject to license restrictions that keep facility emissions below major source thresholds for NO<sub>x</sub>; and
- As an area source of hazardous air pollutants (HAP), because the licensed emissions are below the major source thresholds for HAP.

II. **BEST PRACTICAL TREATMENT**

A. Introduction

In order to receive a license, the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in *Definitions Regulation*, 06-096 C.M.R. ch. 100. Separate control requirement categories exist for new and existing equipment.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emissions from the source being considered; and
- the economic feasibility for the type of establishment involved.

B. Asphalt Plant

Patterson operates a stationary asphalt drum mix plant (Asphalt Plant #1) with a maximum hourly throughput of 140 ton/hr of asphalt and a 70 MMBtu/hr burner which can fire either distillate fuel or propane.

Emission factors for asphalt plants are available based on tons of asphalt produced, and there is no linear relationship between plant output and burner firing rate. Therefore, to ensure annual emissions are limited to less than major source thresholds, asphalt throughput is limited instead of fuel consumption. Accordingly, the annual throughput of the asphalt plant shall not exceed 250,000 tons of asphalt per year on a calendar year basis.

1. BPT Findings

The BPT emission limits for Asphalt Plant #1 firing distillate fuel were based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – 1.1 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
- NO<sub>x</sub> – 5.5 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
- CO – 0.13 lb/ton based on AP-42 Table 11.1-7 dated 3/04
- VOC – 3.2 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-8 dated 3/04
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Asphalt Plant #1 firing propane were based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.03 gr/dscf and the use of a baghouse pursuant to 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – 3.4 x 10<sup>-3</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
- NO<sub>x</sub> – 2.6 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-7 dated 3/04
- CO – 0.13 lb/ton based on AP-42 Table 11.1-7 dated 3/04
- VOC – 3.2 x 10<sup>-2</sup> lb/ton based on AP-42 Table 11.1-8 dated 3/04
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Asphalt Plant #1 are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Asphalt Plant #1 (distillate fuel)	5.09	5.09	5.09	1.54	7.70	18.20	4.48
Asphalt Plant #1 (propane)	5.09	5.09	5.09	0.48	3.64	18.20	4.48

Visible emissions from the asphalt plant baghouse shall not exceed 20% opacity on a six-minute block average basis. This is consistent with the 20% opacity limit contained in *Standards of Performance for Hot Mix Asphalt Facilities*, 40 C.F.R. Part 60, Subpart I.

General process emissions from the asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis.

With limited exceptions, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm) pursuant to 38 M.R.S. § 603-A(2)(A)(3). Therefore, the distillate fuel purchased or otherwise

obtained for use in Asphalt Plant #1 shall not exceed 0.0015% sulfur by weight (15 ppm).

**2. New Source Performance Standards**

The asphalt plant was manufactured in 1981 and is therefore subject to the federal Environmental Protection Agency's (EPA) New Source Performance Standards (NSPS) *Standards of Performance for Hot Mix Asphalt Facilities*, 40 Code of Federal Regulation (C.F.R.) Part 60, Subpart I for facilities constructed or modified after June 11, 1973. The 40 C.F.R. Part 60, Subpart I performance test for Drum Mix Asphalt Plant #1 was successfully completed on July 20, 2001.

**Standards**

**a. Particulate Matter (PM)**

The asphalt plant shall not exceed an emission limit of 0.04 gr/dscf. [40 C.F.R. § 60.92(a)(1)]

The Department has determined that the BPT particulate matter emission limit is more stringent than the applicable limit in 40 C.F.R. Part 60, Subpart I. Therefore, the particulate matter limit for the asphalt plant has been streamlined to the more stringent BPT limit, and only this more stringent limit shall be included in the Order of this air emission license.

**b. Opacity**

Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch.101, § 4(B)(1)]

**3. Control Equipment**

Emissions from the asphalt plant shall be controlled by a baghouse.

**4. Periodic Monitoring**

The performance of the baghouse shall be monitored by either one of the following at all times the asphalt plant is operating:

- a. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Patterson shall take corrective action within 24 hours, or immediately if visible emissions exceed 20% opacity.
- b. Personnel available on-site with a current EPA 40 C.F.R. Part 60, Appendix A, Method 9 visible emissions certification: When visible emissions exceed 20% opacity, the hot mix asphalt plant is operating with insufficient control, and corrective action shall be taken immediately.

Patterson shall keep records of baghouse failures, baghouse maintenance, and baghouse inspections.

To document maintenance of the baghouse, Patterson shall keep records of the date and location of all bag failures, the date and a description of all routine and non-routine maintenance, and the date and results of all inspections. These records shall be kept on-site at the asphalt plant location.

5. Contaminated Soils

a. Soils Contaminated with Gasoline and Distillate Fuel

Patterson may process up to 10,000 cubic yards per calendar year of soil contaminated by gasoline or distillate fuel without prior approval from the Department's Bureau of Air Quality.

This limit may be exceeded with prior written authorization from the Department's Bureau of Air Quality. Requests will be evaluated on a case-by-case basis taking into account the nature and amount of the contaminated soil to be processed, the location where the processing will occur, and the potential for fugitive emissions.

b. General Requirements for Processing of Contaminated Soils

Patterson shall not process soils which are classified as hazardous waste or which have unknown contaminants.

Patterson shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating material and quantity, origin of the soil and contaminating material, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and any other applicable state rules or statutes.

When processing contaminated soils, Patterson shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Patterson shall maintain records on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

Any approval from the Department's Bureau of Air Quality to process contaminated soil does not supersede requirements from other Department bureaus. Similarly, approvals to process contaminated soil granted by another Department bureau does not supersede the limits imposed by this air emission license.

C. Asphalt Heater #1

Patterson operates Asphalt Heater #1 to prevent the asphalt from solidifying. It has a maximum design capacity of 1.0 MMBtu/hr and fires distillate fuel or propane.

With limited exceptions, no person shall import, distribute, or offer for sale any distillate fuel with a sulfur content greater than 0.0015% by weight (15 ppm) pursuant to 38 M.R.S. § 603-A(2)(A)(3). Therefore, the distillate fuel purchased or otherwise obtained for use in Asphalt Heater #1 shall not exceed 0.0015% by weight (15 ppm).

1. BPT Findings

The BPT emission limits for Asphalt Heater #1 were based on the following:

Distillate Fuel

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.08 lb/MMBtu, 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – based on firing distillate fuel with a maximum sulfur content of 0.0015% by weight
- NO<sub>x</sub> – 20 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
- CO – 5 lb/1,000 gal based on AP-42 Table 1.3-1 dated 5/10
- VOC – 0.34 lb/1,000 gal based on AP-42 Table 1.3-3 dated 5/10
- Visible Emissions – 06-096 C.M.R. ch. 101

Propane

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.05 lb/MMBtu based on 06-096 C.M.R. ch. 115, BPT
- SO<sub>2</sub> – 0.054 lb/1,000 gal based on AP-42 Table 1.5-1 dated 5/25 and an average sulfur content of 0.54 gr/100 ft<sup>3</sup>
- NO<sub>x</sub> – 13 lb/1,000 gal based on AP-42 Table 1.5-1 dated 5/25
- CO – 7.5 lb/1,000 gal based on AP-42 Table 1.5-1 dated 5/25
- VOC – 1 lb/1,000 gal based on AP-42 Table 1.5-1 dated 5/25
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Asphalt Heater #1 are the following:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Asphalt Heater #1 <i>Distillate Fuel</i>	0.08	0.08	0.08	-	0.14	0.04	-
Asphalt Heater #1 <i>Propane</i>	0.05	0.05	0.05	-	0.14	0.08	0.01

When firing distillate fuel, visible emissions from Asphalt Heater #1 shall not exceed 20% opacity on a six-minute block average basis.

When firing propane, visible emissions from Asphalt Heater #1 shall not exceed 10% opacity on a six-minute block average basis.

2. New Source Performance Standards

Due to the size and lack of steam production, Asphalt Heater #1 is not subject to the New Source Performance Standards (NSPS) *Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units*, 40 C.F.R. Part 60, Subpart Dc for units greater than 10 MMBtu/hr manufactured after June 9, 1989. [40 C.F.R. § 60.40c]

3. National Emission Standards for Hazardous Air Pollutants

Asphalt Heater #1 does not heat water. It does not meet the definition of a “boiler” and therefore is not subject to *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*, 40 C.F.R. Part 63, Subpart JJJJJ.

D. Generator #2

Generator #2 is an engine used to power Asphalt Plant #1. Generator #2 has a maximum capacity of 4.9 MMBtu/hr (500 kw) firing distillate fuel. The generator was manufactured in 2008 and is a Cummins Engine Model QSX15-G9. The fuel fired in Generator #2 shall be limited to 60,000 gallons/year on a calendar year total basis of distillate fuel with a maximum sulfur content of 15 ppm (0.0015% sulfur by weight). This fuel limit shall apply regardless of where the unit is operated.

1. BPT Findings

The BPT emission limits for Generator #2 were based on the following:

- PM/PM<sub>10</sub>/PM<sub>2.5</sub> – 0.12 lb/MMBtu from 06-096 C.M.R. ch. 103
- SO<sub>2</sub> – Combustion of distillate fuel with a maximum sulfur content of 15 ppm (0.0015% sulfur by weight)
- NO<sub>x</sub> – 3.2 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
- CO – 0.85 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
- VOC – 0.09 lb/MMBtu from AP-42 Table 3.4-1 dated 4/25
- Visible Emissions – 06-096 C.M.R. ch. 101

The BPT emission limits for Generator #2 are the following:

Unit	Pollutant	lb/MMBtu
Generator #2	PM	0.12

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #2	0.59	0.59	0.59	0.01	15.68	4.17	0.44

Visible emissions from Generator #2 shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Patterson shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

- a. The duration of the startup shall not exceed 30 minutes per event;
- b. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
- c. Patterson shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.

2. Chapter 169

Generator #2 was installed prior to the effective date of *Stationary Generators*, 06-096 C.M.R. ch. 169, and is therefore exempt from this rule pursuant to section 1.

3. New Source Performance Standards

*Standards of Performance for Stationary Compression Ignition Internal Combustion Engines*, 40 C.F.R. Part 60, Subpart IIII is applicable to Generator #2 since the unit was ordered after July 11, 2005, and manufactured after April 1, 2006. [40 C.F.R. § 60.4200]

A summary of applicable federal 40 C.F.R. Part 60, Subpart IIII requirements is listed below.

- a. **Manufacturer Certification Requirement**  
Generator #2 shall be certified by the manufacturer as meeting the emission standards for new nonroad compression ignition engines found in 40 C.F.R. § 60.4202. [40 C.F.R. § 60.4205(b)] Patterson provided a certificate of conformity at the time of the 2022 amendment application.
- b. **Ultra-Low Sulfur Fuel Requirement**  
The fuel fired in Generator #2 shall not exceed 15 ppm sulfur (0.0015% sulfur). [40 C.F.R. § 60.4207(b)]

c. Operation and Maintenance Requirements

Generator #2 shall be operated and maintained according to the manufacturer's emission-related written instructions. Patterson may only change those emission-related settings that are permitted by the manufacturer. [40 C.F.R. § 60.4211(a)]

Patterson shall have available for review by the Department a copy of the manufacturer's emission-related written instructions for engine operation and maintenance. [06-096 C.M.R. ch. 115, BPT]

4. National Emission Standards for Hazardous Air Pollutants

Pursuant to 40 C.F.R. § 63.6590(c), stationary compression ignition engines subject to regulations under 40 C.F.R. Part 60, Subpart IIII must meet the requirements of Subpart ZZZZ by meeting the requirements of 40 C.F.R. Part 60, Subpart IIII. No further requirements apply for such engines under Subpart ZZZZ. [40 C.F.R. § 63.6590(c)]

E. Parts Washer

The parts washer has a design capacity of 55 gallons. The parts washer is subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130 (as amended) and records shall be kept documenting compliance.

F. General Process Emissions

Visible emissions from any general process that is not part of a nonmetallic mineral processing plant shall not exceed 20% opacity on a six-minute block average basis.

G. Fugitive Emissions Including Stockpiles and Roadways

Patterson shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

Patterson shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

H. Annual Emissions

The table below provides an estimate of facility-wide annual emissions for the purposes of calculating the facility’s annual air license fee and establishing the facility’s potential to emit (PTE). Only licensed equipment is included, i.e., emissions from insignificant activities are excluded. Similarly, unquantifiable fugitive particulate matter emissions are not included except when required by state or federal regulations. Maximum potential emissions were calculated based on the following assumptions:

- Processing 250,000 ton/year of asphalt;
- Operating Asphalt Heater #1 for 8,760 hours/year; and
- Firing 60,000 gal/year of distillate fuel in Generator #2.

This information does not represent a comprehensive list of license restrictions or permissions. That information is provided in the Order section of this license.

**Total Licensed Annual Emissions for the Facility**

**Tons/year**

(used to calculate the annual license fee)

	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOC
Asphalt Plant #1	4.6	4.6	4.6	1.4	6.9	16.3	4.0
Asphalt Heater #1	0.4	0.4	0.4	-	0.6	0.4	0.1
Generator #2	0.5	0.5	0.5	-	13.1	3.5	0.4
<b>Total TPY</b>	<b>5.5</b>	<b>5.5</b>	<b>5.5</b>	<b>1.4</b>	<b>20.6</b>	<b>20.2</b>	<b>4.5</b>

Pollutant	Tons/year
Single HAP	7.9
Total HAP	19.9

**III. AMBIENT AIR QUALITY ANALYSIS**

The level of ambient air quality impact modeling required for a minor source to demonstrate that Ambient Air Quality Standards (AAQS) will not be exceeded is determined by the Department on a case-by-case basis. In accordance with 06-096 C.M.R. ch. 115, an ambient air quality impact analysis is not required for a minor source if the total licensed annual emissions of any pollutant released do not exceed the following levels and there are no extenuating circumstances:

Pollutant	Tons/Year
PM <sub>10</sub>	25
PM <sub>2.5</sub>	15
SO <sub>2</sub>	50
NO <sub>x</sub>	50

<b>Pollutant</b>	<b>Tons/Year</b>
CO	250

The total licensed annual emissions for the facility are below the emission levels contained in the table above and there are no extenuating circumstances; therefore, an ambient air quality impact analysis is not required as part of this license.

This determination is based on information provided by the applicant regarding licensed emission units. If the Department determines that any parameter (e.g., stack size, configuration, flow rate, emission rates, nearby structures, etc.) deviates from what was included in the application, the Department may require Patterson to submit additional information and may require an ambient air quality impact analysis at that time.

### **ORDER**

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-1097-71-D-R, subject to the following conditions.

Severability. The invalidity or unenforceability of any provision of this License or part thereof shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

### **STANDARD CONDITIONS**

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 M.R.S. § 347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to beginning actual construction of a modification, unless specifically provided for in 06-096 C.M.R. ch. 115. [06-096 C.M.R. ch. 115]

- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both. [06-096 C.M.R. ch. 115]
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request. [06-096 C.M.R. ch. 115]
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to Title 38 M.R.S. § 353-A. [06-096 C.M.R. ch. 115] Payment of the annual air emission license fee for Patterson is due by the end of May of each year. [38 M.R.S. § 353-A(3)]
- (6) The license does not convey any property rights of any sort or any exclusive privilege. [06-096 C.M.R. ch. 115]
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions. [06-096 C.M.R. ch. 115]
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request. [06-096 C.M.R. ch. 115]
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license. [06-096 C.M.R. ch. 115]
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license. [06-096 C.M.R. ch. 115]
- (11) In accordance with the Department's air emission compliance test protocol and 40 C.F.R. Part 60 or other method approved or required by the Department, the licensee shall:

- A. Perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
    1. Within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring, or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
    2. Pursuant to any other requirement of this license to perform stack testing.
  - B. Install or make provisions to install test ports that meet the criteria of 40 C.F.R. Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
  - C. Submit a written report to the Department within thirty (30) days from date of test completion.  
[06-096 C.M.R. ch. 115]
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- A. Within thirty (30) days following receipt of the written test report by the Department, or another alternative timeframe approved by the Department, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 C.F.R. Part 60 or other method approved or required by the Department; and
  - B. The days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and
  - C. The licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.  
[06-096 C.M.R. ch. 115]
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of

establishing whether a person has violated or is in violation of any statute, regulation, or license requirement. [06-096 C.M.R. ch. 115]

- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emissions and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation. [06-096 C.M.R. ch. 115]
- (15) Upon written request from the Department, the licensee shall establish and maintain such records; make such reports; install, use, and maintain such monitoring equipment; sample such emissions in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe; and provide other information as the Department may reasonably require to determine the licensee's compliance status. [06-096 C.M.R. ch. 115]
- (16) The licensee shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 M.R.S. § 605).

## **SPECIFIC CONDITIONS**

### **(17) Asphalt Plant**

#### **A. Fuel Use**

- 1. The asphalt plant is licensed to fire distillate fuel and propane. [06-096 C.M.R. ch. 115, BPT]
- 2. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm). Fuel sulfur content compliance shall be demonstrated by fuel delivery receipts from the supplier, a statement from the supplier that the fuel delivered meets Maine's fuel sulfur content standards, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]

B. The annual throughput of the asphalt plant shall not exceed 250,000 tons of asphalt per calendar year. Records of asphalt production shall be kept on a monthly and calendar year total basis. [06-096 C.M.R. ch. 115, BPT]

C. Emissions from the asphalt plant shall vent to a baghouse, and all components of the asphalt plant shall be maintained so as to prevent PM leaks. [06-096 C.M.R. ch. 115, BPT]

- D. The performance of the baghouse shall be monitored by either one of the following at all times the hot mix asphalt plant is operating: [06-096 C.M.R. ch. 115, BPT]
1. Continuous PM detector: When the detector signals excessive PM concentrations in the exhaust stream, Patterson shall take corrective action within 24 hours, or immediately if opacity exceeds 20%.
  2. Personnel available on-site with a current EPA Method 9 visible emissions certification: When visible emissions exceed 20% opacity, the asphalt plant is operating with insufficient control, and corrective action shall be taken immediately.
- E. To document maintenance of the baghouse, Patterson shall keep records of the date and location of all bag failures, the date and a description of all routine and non-routine maintenance, and the date and results of all inspections. These records shall be kept on-site at the asphalt plant location. [06-096 C.M.R. ch. 115, BPT]
- F. Emissions from the asphalt plant baghouse shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

<b>Pollutant</b>	<b>grs/dscf</b>	<b>lb/hr</b>	<b>lb/hr</b>
<b>Fuel Type</b>	<b>Either</b>	<b>Distillate Fuel</b>	<b>Propane</b>
PM	0.03	5.09	5.09
PM <sub>10</sub>	–	5.09	5.09
PM <sub>2.5</sub>	–	5.09	5.09
SO <sub>2</sub>	–	1.54	0.48
NO <sub>x</sub>	–	7.70	3.64
CO	–	18.20	18.20
VOC	–	4.48	4.48

- G. General process emissions from the hot mix asphalt plant shall be controlled so as to prevent visible emissions in excess of 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]
- H. Patterson shall comply with all requirements of 40 C.F.R. Part 60, Subpart I applicable to the asphalt plant including, but not limited to, the following:

Visible emissions from the asphalt plant shall not exceed 20% opacity on a 6-minute block average basis. [40 C.F.R. §§ 60.92(a)(2) and 60.93(b)(2)] This standard applies at all times. [06-096 C.M.R. ch. 101, § 4(B)(1)]

I. Contaminated Soils

1. Soils Contaminated with Gasoline and Distillate Fuel

Patterson may process up to 10,000 cubic yards per calendar year of soil contaminated by gasoline or distillate fuel without prior approval from the Department's Bureau of Air Quality.

This limit may be exceeded with prior written authorization from the Department's Bureau of Air Quality. Requests will be evaluated on a case-by-case basis taking into account the nature and amount of the contaminated soil to be processed, the location where the processing will occur, and the potential for fugitive emissions.

2. General Requirements for Contaminated Soils

- a. Patterson shall not process soils which are classified as hazardous waste or which have unknown contaminants.
- b. Patterson shall notify the Department (regional air compliance inspector) at least 24 hours prior to processing the contaminated soil and specify the contaminating material and quantity, origin of the soil and contaminating material, and the disposition of the contaminated soil. This authorization to process contaminated soil does not absolve the facility of responsibility to comply with all other air emission license conditions and any other applicable state rules or statutes.
- c. When processing contaminated soils, Patterson shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Patterson shall maintain records on an hourly basis of processing temperature, asphalt feed rates, and dryer throughput.

[06-096 C.M.R. ch. 115, BPT]

(18) **Asphalt Heater #1**

A. Fuel

1. Asphalt Heater #1 is licensed to fire distillate fuel and propane. [06-096 C.M.R. ch. 115, BPT]
2. The facility shall not purchase or otherwise obtain distillate fuel with a maximum sulfur content that exceeds 0.0015% by weight (15 ppm). [06-096 C.M.R. ch. 115, BPT]
3. Compliance shall be demonstrated by fuel records showing the quantity, type, and percent sulfur of the fuel delivered (if applicable). Records of annual fuel use shall be kept on a monthly and calendar year basis. Fuel sulfur content compliance shall

be demonstrated by fuel delivery receipts from the supplier, a statement from the supplier that the fuel delivered meets Maine’s fuel sulfur content standards, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Unit	Fuel	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Asphalt Heater #1	Distillate Fuel	0.08	0.08	0.08	-	0.14	0.04	-
Asphalt Heater #1	Propane	0.05	0.05	0.05	-	0.14	0.08	0.01

C. When firing distillate fuel, visible emissions from Asphalt Heater #1 shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(2)]

D. When firing propane, visible emissions from Asphalt Heater #1 shall not exceed 10% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(A)(3)]

(19) **Generator #2**

A. Fuel Use

- Generator #2 is licensed to fire distillate fuel with a maximum sulfur content not to exceed 15 ppm (0.0015% sulfur by weight). Compliance shall be demonstrated by fuel delivery receipts from the supplier, fuel supplier certification, certificate of analysis, or testing of fuel in the tank on-site. [06-096 C.M.R. ch. 115, BPT]
- Total fuel use for Generator #2 shall not exceed 60,000 gal/yr of distillate fuel, regardless of where the unit is operated. Compliance shall be demonstrated by fuel records from the supplier showing the quantity and type of fuel delivered. Records of annual fuel use shall be kept on a monthly and calendar year basis. [06-096 C.M.R. ch. 115, BPT]

B. Emissions shall not exceed the following:

Unit	Pollutant	lb/MMBtu	Origin and Authority
Generator #2	PM	0.12	06-096 C.M.R. ch. 103, § (2)(B)(1)(a)

C. Emissions shall not exceed the following [06-096 C.M.R. ch. 115, BPT]:

Unit	PM (lb/hr)	PM <sub>10</sub> (lb/hr)	PM <sub>2.5</sub> (lb/hr)	SO <sub>2</sub> (lb/hr)	NO <sub>x</sub> (lb/hr)	CO (lb/hr)	VOC (lb/hr)
Generator #2	0.59	0.59	0.59	0.01	15.68	4.17	0.44

D. Visible Emissions

Visible emissions from Generator #2 shall not exceed 20% opacity on a six-minute block average basis except for periods of startup during which time Patterson shall either meet the normal operating visible emissions standard or the following work practice standards and alternative visible emissions standard.

- a. The duration of the startup shall not exceed 30 minutes per event;
- b. Visible emissions shall not exceed 50% opacity on a six-minute block average basis; and
- c. RST shall keep records of the date, time, and duration of each startup.

Use of the work practice standards and alternative visible emissions standard in lieu of the normal operating standard is limited to no more than once per day.

Note: This does not limit the engine to one startup per day. It only limits the use of the alternative emission standard to once per day.  
[06-096 C.M.R. ch. 101, § 4(A)(4)]

E. Patterson shall comply with all requirements of 40 C.F.R. Part 60, Subpart III applicable to Generator #2 including, but not limited to, the following:

1. Manufacturer Certification Requirement

Generator #2 shall be certified by the manufacturer as meeting the emission standards for new, nonroad, compression ignition engines found in 40 C.F.R. § 60.4202. [40 C.F.R. § 60.4205(b)] Patterson provided a certificate of conformity at the time of the 2022 amendment application.

2. Ultra-Low Sulfur Fuel Requirement

The fuel fired in Generator #2 shall not exceed 15 ppm sulfur (0.0015% sulfur). [40 C.F.R. § 60.4207(b)]

3. Operation and Maintenance Requirements

Generator #2 shall be operated and maintained according to the manufacturer's emission-related written instructions. Patterson may only change those emission-related settings that are permitted by the manufacturer. [40 C.F.R. § 60.4211(a)]

(20) **Parts Washer** [06-096 C.M.R. ch. 130]

The parts washer at Patterson is subject to *Solvent Cleaners*, 06-096 C.M.R. ch. 130.

- A. Patterson must use a solvent with a vapor pressure of 1.00 mmHg, or less, at 20 °C (68 °F). [06-096 C.M.R. ch. 130 § (3)(E)]
- B. Patterson shall keep records of the amount of solvent added to the parts washer. [06-096 C.M.R. ch. 140, BPT]
- C. The following standards apply to cold cleaning machines that are subject to 06-096 C.M.R. ch. 130.
  1. Patterson shall attach a permanent conspicuous label to each unit summarizing the following operational standards [06-096 C.M.R. ch. 130]:
    - a. Waste solvent shall be collected and stored in closed containers (as defined in this license).
    - b. Cleaned parts shall be drained of solvent directly back to the cold cleaning machine by tipping or rotating the part for at least 15 seconds or until dripping ceases, whichever is longer.
    - c. Flushing of parts shall be performed with a solid solvent spray that is a solid fluid stream (not a fine, atomized, or shower type spray) at a pressure that does not exceed 10 psig. Flushing shall be performed only within the freeboard area of the cold cleaning machine.
    - d. The cold cleaning machine shall not be exposed to drafts greater than 40 meters per minute when the cover is open.
    - e. Sponges, fabric, wood, leather, paper products, and other absorbent materials shall not be cleaned in the parts washer.
    - f. When a pump-agitated solvent bath is used, the agitator shall be operated to produce no observable splashing of the solvent against the tank walls or the parts being cleaned. Air agitated solvent baths may not be used.
    - g. Spills during solvent transfer shall be cleaned immediately. Sorbent material used to clean spills shall then be immediately stored in covered containers.
    - h. Work area fans shall not blow across the opening of the washer unit.
    - i. The solvent level shall not exceed the fill line.
  2. The remote reservoir cold cleaning machine shall be equipped with a perforated drain with a diameter of not more than six inches.
  3. Each parts washers shall be equipped with a cover that shall be closed at all times except during cleaning of parts or the addition or removal of solvent.

(21) **General Process Sources**

Visible emissions from any general process that is not part of a nonmetallic mineral processing plant shall not exceed 20% opacity on a six-minute block average basis. [06-096 C.M.R. ch. 101, § 4(B)(4)]

(22) **Fugitive Emissions Including Stockpiles and Roadways**

Patterson shall not cause emissions of any fugitive dust during any period of construction, reconstruction, or operation without taking reasonable precautions. Such reasonable precautions shall be included in the facility's continuing program of best management practices for suppression of fugitive particulate matter. See 06-096 C.M.R. ch. 101, § 4(C) for a list of potential reasonable precautions.

Patterson shall not cause or allow visible emissions within 20 feet of ground level, measured as any level of opacity and not including water vapor, beyond the legal boundary of the property on which such emissions occur. Compliance with this standard shall be determined pursuant to 40 C.F.R. Part 60, Appendix A, Method 22.

[06-096 C.M.R. ch. 101, § 4(C)]

(23) **Equipment Relocation** [06-096 C.M.R. ch. 115, BPT]

A. Patterson shall provide written notification to the Bureau of Air Quality prior to relocation of any equipment carried on this license. It is preferred for notice of relocation to be submitted through the Department's on-line e-notice at: [www.maine.gov/dep/air/compliance/forms/relocation](http://www.maine.gov/dep/air/compliance/forms/relocation)

Written notice may also be sent by mail. Notification sent by mail shall be sent to the address below:

Attn: Relocation Notice  
Maine DEP  
Bureau of Air Quality  
17 State House Station  
Augusta, ME 04333-0017

The notification shall include the license number in which the equipment is addressed, identification of the equipment moved, the address of the equipment's new location, and the date the equipment will be moved.

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification shall be made to the respective county commissioners. The notification to the Department shall include the date the municipality was notified.

(24) Patterson shall keep a copy of this Order on site with the licensed equipment and ensure the operator(s) are familiar with the terms of this Order. [06-096 C.M.R. ch. 115, BPT]

**Patterson Asphalt Industries LLC  
Knox County  
Warren, Maine  
A-1097-71-D-R**

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**Departmental  
Findings of Fact and Order  
Air Emission License  
Renewal**

- (25) If the Department determines that any parameter value pertaining to construction and operation of the emissions units, including but not limited to stack size, configuration, flow rate, emission rates, nearby structures, etc., deviates from what was submitted in the application or ambient air quality impact analysis for this air emission license, Patterson may be required to submit additional information. Upon written request from the Department, Patterson shall provide information necessary to demonstrate AAQS will not be exceeded, potentially including submission of an ambient air quality impact analysis or an application to amend this air emission license to resolve any deficiencies and ensure compliance with AAQS. Submission of this information is due within 60 days of the Department's written request unless otherwise stated in the Department's letter.  
[06-096 C.M.R. ch. 115, § 2(O)]

DONE AND DATED IN AUGUSTA, MAINE THIS 22<sup>nd</sup> DAY OF APRIL, 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:  for  
MELANIE LOYZIM, COMMISSIONER

**The term of this license shall be ten (10) years from the signature date above.**

[Note: If a renewal application, determined as complete by the Department, is submitted prior to expiration of this license, then pursuant to Title 5 M.R.S. § 10002, all terms and conditions of the license shall remain in effect until the Department takes final action on the license renewal application.]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: April 23, 2024  
Date of application acceptance: May 8, 2024

This Order prepared by Zac Hicks, Bureau of Air Quality.